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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,058	01/10/2006	Hiroyuki Kikkoji	277517US6PCT	5748
22850 7590 09/02/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER HANCE, ROBERT J				
ART UNIT 2421		PAPER NUMBER		
NOTIFICATION DATE 09/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/564,058

Applicant(s)

KIKKOJI ET AL.

Examiner

ROBERT HANCE

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 25 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 25, and 29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al., US Pub No. 2002/0174436 in view of Paul et al., US Pub No 2003/0172108 in view of Matsumoto, US Pub No. 2002/0188461, in view of Kuno et al., US Patent No. 6,378,031, and further in view of Harada et al., US Pub No. 2002/0120927.

As to claim 1 Wu et al. disclose:

an information processing apparatus comprising: a transmitter configured to transmit request information, the request information requesting related information related to a song in a broadcast program being received ([0027]; [0037] – consumers transmit to server 15 related to content heard on TV) and including at least one of a

song title of the song or an artist name of the artist of the song ([0037] – artist and title are returned as responses to demand stimulus);

a receiver configured to receive the related information corresponding to the request information, the related information including the song title and the artist name, and an identification code indicative of a right to receive a particular service upon purchase of a content, as a response to the transmitted request, wherein the particular service is related to the broadcast program being received ([0037]; [0050] – a subscriber receives related information, including song title and artist name, and an electronic coupon via email. Since the coupon is electronic, it is an identification code, and coupons contain a right to receive a service upon purchase of content);

a memory configured to store the related information and the identification code which has been received ([0058]; Fig. 8 – the consumer system is a personal computer or set top box which receives emails, known in the art to contain memory to store the email);

a display configured to display the related information stored in the memory ([0058]; Fig. 8 – the consumer system is a personal computer or set top box which receives emails, known in the art to contain a display to display the contents of the email).

Wu et al. fail to disclose that the request information is transmitted continuously at a particular interval.

However, in an analogous art, Paul et al. disclose continuously transmitting additional data requests at a particular interval (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Wu et al. with the teachings of Paul et al. by continuously transmitting additional data requests. The rationale for this modification would have been to continually request and receive updated information from the server.

The combined system of Wu and Paul fails to disclose that the related information includes an album number corresponding to the song.

However, in an analogous art, Matsumoto discloses related information including an album number corresponding to a song ([0062]-[0063]; [0124]; [0217]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu and Paul with the teachings of Matsumoto, the rationale being to simplify the purchase of the music.

The combined system of Wu, Paul, and Matsumoto fails to disclose that the identification code includes an issuer of the identification code, a purpose of the identification code, a location at which the identification code can be used to receive the particular service, an expiration date of the identification code and a code identifier corresponding to the identification code.

However, Examiner takes official notice of the fact that all of these features were well known and widely used features of coupons at the time the invention was made. For example, coupons, whether electronic or paper, usually have all of this information so that users can know when, where, and how the coupon can be used. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to

modify the combined system of Wu, Paul, and Matsumoto by including these features, the rationale being to enable users to know when and how to utilize the coupon.

The combined system of Wu, Paul, and Matsumoto fails to disclose storing time information indicating when the related information and the identification code were stored.

However, in an analogous art, Kuno discloses a set top box storing time information indicating when a file was stored (col. 9 lines 47-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, and Matsumoto with the teachings of Kuno, the rationale being to create a robust file system within the set top box.

The combined system of Wu, Paul, Matsumoto, and Kuno fails to disclose that the related information and identification code have stored a memory location identifying a location at which the song corresponding to both the related information and the identification code is stored.

However, in an analogous art, Harada discloses additional information which contains a pointer (memory location) to the content to which it refers ([0074]; Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, Matsumoto, and Kuno with the teachings of Harada, the rationale being to ensure that received additional information and identification codes are properly associated with the correct content.

As to claims 25 and 29 see similar rejection of claim 1. The method of claim 25 and the program of claim 29 correspond to the apparatus of claim 1. Therefore claims 25 and 29 have been analyzed and rejected.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Paul, Matsumoto, Kuno, and Harada as applied to claim 1 above, and further in view of Maritzen et al., US Pub No 2002/0026419.

As to claim 2 the combined system of Wu, Paul, Matsumoto, Kuno, and Harada fail to disclose the information processing apparatus according to claim 1, wherein the transmitter is configured to transmit the identification code together with purchase request information requesting purchase of a content, and the receiver is configured to receive content data corresponding to the purchase request information, as well as additional data corresponding to the identification code.

However, in an analogous art, Maritzen et al. disclose a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase (Paragraph 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, Matsumoto, Kuno, and Harada with the teachings of Maritzen by transmitting coupons with purchase requests and subsequently receiving the purchased content as well as a clipped coupon (i.e. additional data corresponding to the identification code). The rationale for this modification would have been to enable viewers to instantly purchase items, receive a

discount on those items, and to enable servers to "clip" the coupons for limited use during subsequent transactions. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 3 the combined system of Wu, Paul, Matsumoto, Kuno, and Harada disclose the information processing apparatus according to claim 1, wherein the transmitter is configured to transmit user identification information to identify a user (Wu Fig. 6: 93).

The combined system of Wu, Paul, Matsumoto, Kuno, and Harada fail to disclose transmitting purchase request information requesting purchase of a content and the identification code. However, in an analogous art, Maritzen et al. disclose a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase (Paragraph 61).

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Paul, Matsumoto, Kuno, and Harada, as applied to claim 1 above, and further in view of Leonard et al., US Pub No 2002/0046109.

As to claim 4 the combined system of Wu, Paul, Matsumoto, Kuno, and Harada fails to disclose the information processing apparatus according to claim 1, wherein the receiver is configured to receive plural identification codes each being the identification

code, and the transmitter is configured to transmit purchase request information requesting purchase of a content, and the plural identification codes.

However, in an analogous art, Leonard et al. disclose applying a plurality of e-coupons to a single purchase (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, Matsumoto, Kuno, and Harada with the teachings of Leonard et al. by receiving plural coupons from the server and transmitting these plural coupons with a purchase request. The rationale for this modification would have been to enable subscribers to benefit from larger discounts on purchases.

As to claim 5 the combined system of Wu, Paul, Matsumoto, Kuno, and Harada and Leonard disclose the information processing apparatus according to claim 4, wherein the plural identification codes transmitted by the transmitter are those that can be used for a purpose of purchase indicated by the purchase request information, among the plural identification codes received by the receiver (Leonard Abstract).

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Paul, Matsumoto, Kuno, and Harada, as applied to claim 1 above, and further in view of Maritzen et al., US Pub No 2002/0026419 in view of Giuliani et al., US Patent No 5,974,399.

As to claim 6 the combined system of Wu, Paul, Matsumoto, Kuno, and Harada fails to disclose that, in response to an instruction to purchase the arbitrary content, the

transmitter is configured to transmit the identification code indicative of a right to receive a particular service together with purchase request information requesting purchase of the arbitrary content, and the receiver is configured to receive content data corresponding to the purchase request information.

However, in an analogous art, Maritzen et al. disclose a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase (Paragraph 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, Matsumoto, Kuno, and Harada with the teachings of Maritzen by transmitting coupons with purchase requests and subsequently receiving the purchased content as well as a clipped coupon (i.e. additional data corresponding to the identification code). The rationale for this modification would have been to enable viewers to instantly purchase items, receive a discount on those items, and to enable servers to "clip" the coupons for limited use during subsequent transactions.

The combined system of Wu, Paul, Matsumoto, Kuno, Harada and Maritzen fail to disclose that the receiver is configured to receive a second identification code indicative of a right to allow the user to receive a particular service when the user further purchases a content.

However, in an analogous art, Giuliani et al. disclose that receiving a coupon upon purchasing a particular item was known in the art at the time of the invention (col. 1 lines 29-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, Matsumoto, Kuno, Harada and Maritzen with the teachings of Giuliani et al. by supplying a subscriber with a second coupon upon purchase of an item. The rationale for this modification would have been to entice a subscriber to make further purchases, possibly of related items.

As to claim 7 the combined system of Wu, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani disclose the information processing apparatus according to claim 6, wherein the receiver is configured to receive the content data, the second identification code, and additional data corresponding to the first identification code (Maritzen Paragraph 61 discloses a system where television viewers can utilize a digital coupon to receive a discount on purchases, and that these coupons are "clipped" after a purchase); receiving a second identification code (Giuliani et al. col. 1 lines 29-35).

As to claim 8 the combined system of Wu, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani disclose the information processing apparatus according to claim 6, wherein the transmitter is configured to transmit user identification information to identify the user. (Wu Fig. 6: 93); the transmitter is configured to transmit the purchase request information and the first identification code (Maritzen Paragraph 61 – coupons are used to purchase content, thus coupons and purchase requests are transmitted).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Paul, Matsumoto, Kuno, Harada, Maritzen, and Giuliani, as applied to claim 6 above, and further in view of Leonard et al., US Pub No 2002/0046109.

As to claim 9 the combined system of Wu, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani disclose the information processing apparatus according to claim 6, wherein the transmitter is configured to transmit the first identification codes, and the receiver is configured to receive the content data, the second identification code, and additional data corresponding to the first identification code (Maritzen Paragraph 61; Giuliani col. 1 lines 29-35).

The combined system of Wu, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani fail to disclose a plurality of identification codes.

However, in an analogous art, Leonard et al. disclose applying a plurality of e-coupons to a single purchase (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Wu, Paul, Matsumoto, Kuno, Harada, Maritzen and Giuliani with the teachings of Leonard et al. by receiving plural coupons from the server, transmitting these plural coupons with a purchase request, and clipping these plural coupons. The rationale for this modification would have been to enable subscribers to benefit from larger discounts on purchases.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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